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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,227	02/18/2004	Chiu Hao Cheng	SP4003-P-1389-AAB	9476

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EXAMINER

BOND, CHRISTOPHER H

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,227

Applicant(s)

CHENG ET AL.

Examiner

Christopher H. Bond

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: various grammatical errors throughout the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “resolution adjustable” in claims 1-6 is used by the claim to mean “range of motion or control limiting”, while the accepted meaning, according to Merriam-Webster is “the ability to adjust or change the process or capability of making distinguishable the individual parts of an object, closely adjacent optical images, or sources of light, or the ability to adjust or change a measure of the sharpness of an image or of the fineness with which a device (as a video display, printer, or scanner) can produce or record such an image usually expressed as the total number or density of pixels in the image—i.e. change the resolution of 1200 pixels per inch to 720 pixels per inch.” The term is indefinite because the specification does not clearly redefine the

term. For purposes of examination, the Examiner understands that the applicant, by way of example, is referring to a controller having a button, that when pushed, allows for the user to make more precise movements with the controller.

Claim Rejections - 35 USC § 103

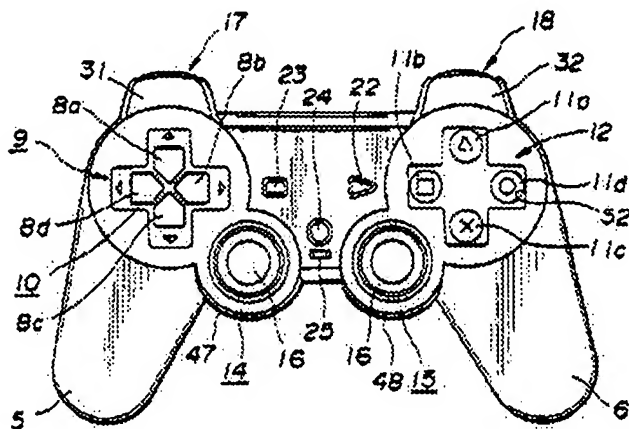
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al., USPAT 6,231,444 (Goto) in view of Ubisoft's 'Tom Clancy's Splinter Cell' (Ubisoft)**

6. As to claims 1 and 2, Goto discloses, "An operating device used in a game machine for playing a television game... A first operating unit is mounted on one end of the main body portion and a second operating unit is mounted on the opposite end of the main body portion. The first and second operating units are provided with a plurality of thrusting operators protruding from the upper surface of the main body portion and a plurality of signal input elements actuated by the thrusting operators [(buttons)]. A third operating unit and a fourth operating unit are arranged facing each other on the proximal ends of the first and second grip portions. Each of the third and fourth operating units has a rotation member and a plurality of signal input devices actuated by the rotation member[(linear controls)]." Goto further discloses (column 5, lines 13-51), "By turning on the switch devices associated with the first to fourth thrusting operators

11a, 11b, 11c and 11d, the second operating unit... sets the functions of the display character allocated to the thrusting operators **11a, 11b, 11c and 11d** or executes the functions of the display character, the second operating unit... thus operating as a function setting and/or executing section... By turning on the switch associated with the first and second thrusting operators **19a, 19b** and **20a, 20b**, the fifth and sixth operating units **17, 18** set the function of the display character allocated to the thrusting operators **19a, 19b** and **20a, 20b** or execute the functions owned by the display character, the fifth and sixth operating units **17, 18** thus operating as function setting and/or executing sections."



Simply stated, Goto presents a game controller with a plurality of buttons, as explained above. It is well known and common knowledge to those skilled in the art that the majority of game controllers do not assign buttons to perform a particular function (shoot, jump, brake, resolution, etc...), but rather these are determined by the game software, or are custom configured by the user/player.

7. While Goto provides a controller with a plurality of buttons, Goto fails to explicitly disclose that one of these buttons acts as a 'resolution' button. In Ubisoft's 'Tom

Clancy's Splinter Cell", the character, while in sniper mode (i.e. precision shooting) can press the 'L1' button (represented by reference 17 in Goto's invention) to hold the character's breath while aiming the sniper rifle.

8. The advantage of pushing this button to hold the character's breath as evidenced on page 18 of the Ubisoft game manual and in game play, is to steady the character's aim while aiming the rifle—that is to say, making the motions with the linear controller more precise.

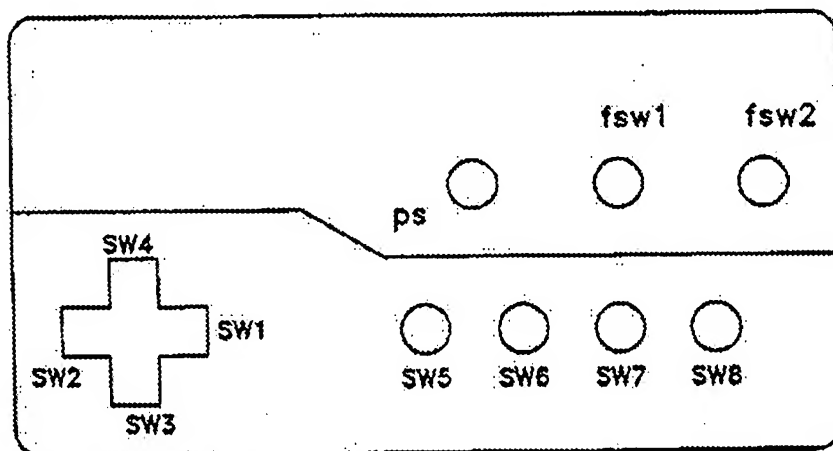
9. This is evidence that one of ordinary skill in the art would have reason/motivation/suggestion to use a button such as 'hold breath' in a precision aiming game for the purpose of steadying the character's aim or making more precise movements with the linear controller.

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to assign a 'hold breath' or similar button as described by Ubisoft to the controller of Goto for the purpose of steadying the character's aim or making more precise movements with the linear controller.

11. As to claim 5, Goto in view of Ubisoft discloses that when the L1 button is held, the character's breath is held, thus making more precise movements with the linear controller. The trigger condition, holding breath, is released either after a certain amount of time elapses, or if the player releases the L1 button. This would meet the applicant's limitation wherein when the resolution button is pushed, the resolution button is triggered, and when the resolution button is released, the trigger condition is released.

12. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto in view of Ubisoft and further in view of Karabed et al., USPAT 5,317,505 (Karabed).**

13. Karabed discloses (abstract), "a user controller for a video game [that] has a set of auxiliary buttons..." Karabed further discloses (column 9, lines 29-33), "A first set of play switches sw1, sw2...and sw8 which are typical of the buttons existing on many video controllers. A second set of Auxiliary Switches consisting of 2 user function buttons fsw1 and fsw2."



Merriam-Webster defines auxiliary as being "supplementary"—which is to say additional. This would meet the applicant's limitation of having an additional button different from the original buttons on the game controller.

14. The advantage of having the auxiliary buttons, Karabed writes (abstract), is that, "The auxiliary buttons are programmable and could be assigned to arbitrary special moves matching the needs of different games or of different stages of one game."

15. This is evidence that one of ordinary skill in the art would have reason/motivation/suggestion to include auxiliary buttons on a game controller for the

purpose of assigning special moves matching the needs of different games or stages of a game.

16. Therefore, it would have been obvious to include the auxiliary buttons as described by Karabed in the invention of Goto in view of Ubisoft for the purpose of assigning special moves matching the needs of different games or stages of a game.

17. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto in view of Ubisoft and further in view of Ogata et al., USPAT 6,171,191 (Ogata).**

18. Goto in view of Ubisoft discloses the resolution adjustable game controller except for the limitation, wherein the control circuit of the game controller is a chip which is electrically connected to the resolution button for controlling resolution.

19. Ogata discloses in his actuating device (column 14, lines 46-51), "The structure for implementing the function for bidirectional communication is comprised of a serial I/O interface SIO for effecting serial communication with the main body portion... of the game machine, a one-chip micro-computer, which is a parallel I/O interface PIO, a CPU, a RAM and a ROM..."

20. While the control described above is used in this case for bidirectional communication, the micro-computer chip would be essential in controlling the electrical signals (i.e. input/output) generated by actuating the buttons and sending these signals to the main body portion of the game console.

21. The advantage of having a micro-computer, Ogata writes (column 14, lines 61-62) is for, "...enabling bidirectional communication means..."

Art Unit: 3714

22. This is evidence that one of ordinary skill in the art would have reason/motivation/suggestion to include a micro-computer chip in a game controller for the purpose of controlling the input/output of the actuated buttons and enabling communication between the controller and main body portion of the game console.

23. Therefore, it would have been obvious to include the micro-computer chip as described by Ogata in the invention of Goto in view of Ubisoft for the purpose of controlling the input/output of the actuated buttons and enabling communication between the controller and main body portion of the game console.

Citation of Pertinent Prior Art

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Goto et al., USPAT 5,716,274; Nakanishi, USPAT 5,759,100; Yokoi, USPAT 5,820,462; Nishiumi et al., USPAT 6,001,015.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Bond whose telephone number is (571) 272-9760. The examiner can normally be reached on M-F 9:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHB



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